

COUNCIL ON HEMISPHERIC  
AFFAIRS

## HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1999*

Mr. TOWNS. Mr. Speaker, I would like to submit for the RECORD the attached articles, "One Commission To Be Proud of" and "The Effect of the U.S. Embargo on Cuban Health Care in Cuba", in the CONGRESSIONAL RECORD.

Mr. Speaker, ever since its creation in the wake of the 1959 Cuban Revolution, the Inter-American System for the Protection of Human Rights has played an extraordinary role in promoting justice on the continent. The Commission and the Court have consistently furthered this country's authentic national interests by helping oppressed populations defend themselves against dictatorships and by working for the establishment of democratic norms.

However, this institution finds itself at a critical juncture and needs political support. Human rights crimes are still being perpetrated throughout the hemisphere, yet the chronic under-funding of these OAS bodies threatens their effectiveness. Furthermore, Peru's recent withdrawal from the jurisdiction of the Court deserves maximum condemnation and should not be allowed to set a precedent for those governments hoping to escape accountability. The United States should lead by example and finally ratify the Inter-American Convention on Human Rights and accept the jurisdiction of the Court.

The following research memorandum was authored by Eric Angles, a Research Fellow with the Washington-based Council on Hemispheric Affairs (COHA). This timely and trenchant article gives credit to the Inter-American System for its accomplishments, and emphasizes how pivotal U.S. backing is to its success.

## ONE COMMISSION TO BE PROUD OF

(By Eric Angles, Research Fellow, council on Hemispheric Affairs)

Pinochet and Milosevic indicted for their crimes; a "just war" waged in the Balkans at heavy political, diplomatic and military risk; the human rights debate has clearly shifted gears. Gone is the era when egregious patterns of abuses remained concealed behind sacrosanct national borders, or neatly rhetoricized away by Cold War realpolitik. At last public indignation is being heeded. This is a very positive sign, with much credit being owed to intrepid journalists and relentless human rights promoters, those good men and women in gray.

But plaudits—a great deal of them—must also go to a more discrete actor, the Inter-American Commission on Human Rights. Ironically, since its founding in 1959 by the Organization of American States, some of its backers have belonged among the world's most flagrant offenders; and the Commission has certainly had to struggle for a measure of independence. Early on, periodic in loco visits to human rights Gethsemane and hard-hitting country reports proved effective in at least publicizing the cruelties of barbarous regimes. Scores of lives were doubtlessly saved during the junta years owing to the boldness of these investigative missions. But new and impressive accomplishments in the

1990s have since firmly entrenched the crucial role of the Commission and its judicial arm, the Inter-American Court, in promoting justice throughout the Americas.

Most far-reaching is a mechanism whereby individuals deprived of their rights can lodge a petition. Public hearings are then held and embarrassing rulings often rendered. Over twelve thousand cases have been considered since 1965, primarily involving killings, torture and "disappearances". More complex issues are not increasingly addressed, such as the rights of women and indigenous populations. Not only have wrongs been condemned and at least partly redressed; Commission and Court decisions have set invaluable standards for use by other international human rights bodies under the United Nations, European and African systems.

Just as tellingly perhaps, recalcitrant states now defend themselves with unprecedented ferocity when chastised by a jurisdiction which, after all, they once opted into. In the early years, offenders largely ignored unfavorable findings. By contrast, a fulminating President Fujimori found it necessary to withdraw Peru from the Court's competence rather than face additional rulings against the country's summary military trials—one of whose victims was young U.S. national Lori Berenson, sentenced for life in 1996 without even a shred of due process. Fujimori's outrageous move will only serve to isolate Peru, and to little avail since Commission proceedings cannot be blocked short of renouncing OAS membership. Simply put, avoidance strategies are fast running out for renegade leaders.

The Inter-American system's effectiveness derives at least in part from heightened political support since the end of the Cold War. But if basic principles of justice are being enforced and not merely exalted, above all it is due to the efforts and persistence of the Commission. Ambiguously comprised of legal experts nominated by governments, it could easily have remained the typical OAS cipher. Yet skillful navigation by a deft leadership and expert staff has admirably defied the odds. "Quasi-judicial" prerogatives provide it with a uniquely effective blend of political initiative—most notably the power to throw the spotlight on a selected issue or country—and the authority to set legal precedent. At the same time, the Commission has displayed an even-handedness that has done wonders for its credibility: a case in point was the 1999 report on Columbia detailing wrongdoings both by government and guerrilla forces.

Commission and Court practice also has shown remarkable boldness and creativity. The landmark 1988 Velazquez Rodriguez judgment against Honduras laid out key legal definitions in such a way as to limit procedural escape routes for guilty parties. Other international norms like the humanitarian conventions of Geneva are also commonly invoked when necessary. In no small measure, this is contributing to the slow rise of universal accountability for governments who pull out the nails of their own citizens.

Curiously, these hard-won accomplishments have remained mostly uncelebrated, especially in the U.S., which does not recognize the Court and all but ignores adverse determinations by the Commission. Aren't we too quick to take for granted justice enforced on behalf of our countrymen, such as Matthew Blake, murdered by agents of the Guatemalan state in the early 1980s? There is no question that when provided U.S. backing will be pivotal if full-fledged judicial mechanisms are one day to emerge for the regional

and global protection of human rights. Congress' antiquated aversion to international adjudication sits oddly indeed alongside the lofty foreign policy goals articulated by Capitol Hill leaders and Presidents alike.

Success is rarely self-perpetuating. At under three million dollars a year the Commission is absurdly under-funded in the light of its expanding mission. Worse still, a group of disgruntled OAS states very nearly managed to brush back much of its power two years ago, thwarted only by the timely mobilization of concerned private groups. With malefactor states and Fujimori-like leaders waiting to bushwhack it at every corner, public support remains crucial to the furtherance of the Commission's outstanding work into the next century.

Mr. Speaker, legislation such as the 1992 Cuban Democracy Act (CDA) and the 1996 Helms-Burton Act have tightened the U.S. embargo against Cuba to the point that has it negatively effected the health of Cuban civilians and has profoundly damaged the country's revolutionary health care system and medical research institutes. Current U.S. policy towards Cuba severely restricts the export of medicine, the medical supplies and technology to the island by demanding a political test which it is anticipated that Cuban authorities will continue to reject. The Warner-Dodd bill in the Senate and the Freedom to Market Act in the House would reevaluate the embargo and remove restrictions on the sale of grain, medicine and medical supplies to Cuba. These measures were initiated partially in response to numerous studies reporting that the health of Cuban citizens has deteriorated greatly, and hospitals are in dire need of supplies due to the embargo.

The following research memorandum was authorized by David Roberts, a Research Associate with the Washington-based Council on Hemispheric Affairs (COHA). It represents an elaborated version of an article recently published in COHA's biweekly publication, the Washington Report on the Hemisphere. This timely and pertinent article investigates the effect that U.S. policy has had on the Cuban health care system and the well-being of the Cuban populace.

THE EFFECT OF THE U.S. EMBARGO ON CUBAN  
HEALTH CARE

(By David Roberts, Research Associate,  
Council on Hemispheric Affairs)

Senators John Warner (R-VA) and Christopher Dodd (D-CT) have reintroduced a bill designed to remove restrictions on the sale of grain, medicine and medical supplies to Cuba. The U.S. embargo currently prohibits all trade with the island including restrictions on humanitarian aid such as medicine and food. Cuba is now the only nation worldwide denied access to medical supplies as part of a U.S. embargo. The Warner-Dodd bill and its sister measure in the House, the Freedom to Market Act (HR 212), were initiated this year in order to alleviate the suffering caused by the embargo against Cuban civilians that has been in place for nearly 40 years.

Since 1959, the U.S. government has unsuccessfully tried to unseat Castro by any means ranging from economic sanctions to assassination attempts. In recent years, Washington has increased pressure on Castro, enacting legislation such as the 1992 Cuban Democracy Act (CDA) and the 1996 Helms-Burton measure, whose net result has

been to impede the exportation of medicines and medical technology to Cuba. These regulations have discouraged the transfer of health care resources through purposely restrictive licensing procedures and denying U.S. visas to, and even suing, executives of foreign companies found to be trading with the island. The collapse of the Soviet Union and the Eastern bloc, Cuba's principal benefactors, exacerbated the damaging effects of U.S. sanctions. As a result, health conditions in Cuba have deteriorated significantly.

Prior to the Warner-Dodd bill, the Dodd-Torres legislation in 1998 was introduced which was aimed at removing the provision of food and medicine from the U.S. sanctions list. The act lost its viability when Senate amendments emasculated the measure, turning the proposed bill into a vehicle for that would make matters worse for Cuba. Hostile riders to the bill permitted sanctions against "terrorist" nations that deny access to food, medicine or medical care as a means of coercion or punishment of a segment of the local populace, effectively invalidating the intentions of the bill's sponsors. Although Cuba has faced international pressure over its flagging human rights record, Havana officials maintain in return that the U.S. embargo has inflicted far more grievous rights violations against Cubans. Critics of the embargo condemn its hypocritical nature because it denies Cuba access to food and medicine as a form of coercion, while the U.S. simultaneously chastises Havana for not providing the population with these essential products. Although the Clinton administration recently ended similar policies against Iran, Libya and Sudan, arguing that "food should not be used as a foreign policy tool," the administration maintains a much more severe embargo including both food and medical supplies against Cuba.

#### A HISTORY OF GUARANTEED HEALTH CARE

Obsessed with eliminating "human, social and economic underdevelopment," Castro revolutionized the country's medical system in 1959, introducing comprehensive free health care for all Cubans. For several decades this system was considered a model for other Third World nations. The country's constitution guarantees citizens the right to free medical treatment and preventive care. The health delivery system focuses on women's health, providing programs for the early detection of breast and cervical cancer, prenatal care, and free child immunization. Previously, when medicines were available, state pharmacies filled prescriptions for free as well as formulated vaccines which were supplied by the bustling domestic drug manufacturing industry.

Cuba's progressive health care policy propelled the country's successful and internationally acclaimed biotechnology and pharmacology export industries. The island's 11 "world class" research institutions made impressive advances, some of which were greatly respected by the international medical community. These institutes have been credited with developing innovative medical breakthroughs including vaccines for hepatitis-B and meningitis-B. In fact, Cuba is the sole producer of a vaccine for meningitis-B that has been proven to reduce the incidence of the disease by 93%. The institute also developed a surgical cure for retinitis pigmentosa, a genetic disorder that may lead to blindness or tunnel vision.

#### LONG-TERM EFFECTS ON THE EMBARGO

While Cuban authorities maintain their resolve to provide the populace with greatly needed medical care, highly qualified doctors

still face long lines of patients with only antiquated technology to treat them. Even the medicines produced by the pharmacology industry are difficult to obtain because imports of their components have been restricted by the blockade. Despite the previous successes posted by the pharmacology industry, island drug store shelves are now empty. Although recent changes have allowed for some medical sales to Cuba, each transaction must receive prior approval from the U.S. Treasury Department in order to insure that the sale will not benefit the Cuban government and that such supplies will only be handled by independent and non-governmental agencies. Currently, only one U.S. company has sought license to sell medical goods to Cuba. A study by the American Association for World Health found that Cuban hospitals are in dire need of basic medical supplies as a result of U.S. policies. This is partially due to the fact that the government-run health care system serves the impoverished sector of the population, which cannot otherwise purchase medicine, while other hospitals serving wealthier Cubans and foreigners reap the benefits of this minor relaxation of the embargo. The only relief for the average Cuban citizen comes on the daily charter flight from Miami that brings donations from individuals and aid from the few Catholic humanitarian agencies authorized to operate on the island.

The U.S. embargo and the tempo with which it is being administered is indisputably hurting the majority of Cubans. Critics of the status quo maintain that lifting sanctions and following a policy of constructive engagement would be of great benefit to the general population. Several U.S. legislators recently have traveled to Cuba, indicating a need for more non-political relations with the island. "Cuban can benefit from the research of the National Institutes of Health and we can benefit from the research (the Cubans) are doing on meningitis-B," said Sen. Arlene Specter (R-PA) following a recent visit to the island.

Although the Warner-Dodd bill and HR 212 are meant to transcend party lines, it will be difficult to advance such creative thinking in either the House or the Senate due to the opposition of such powerful and unregenerate Cuba-bashers as Senate Foreign Relations Chairman, Jesse Helms (R-N.C.) and Florida's Cuban-American lobby.

IN HONOR OF THE BAYONNE ECONOMIC OPPORTUNITY FOUNDATION ON 34 YEARS OF DEDICATION TO THE CITY OF BAYONNE AND TO THIS YEAR'S HONOREES, MR. AL SAMBADE AND MR. THOMAS CUSEGLIO

#### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1999*

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Bayonne Economic Opportunity Foundation for its continued service to the City of Bayonne, New Jersey, and this year's honorees, Mr. Al Sambade and Mr. Thomas Cuseglio.

The Bayonne Economic Opportunity Foundation, a social service agency in its 34th year, has remained a vibrant and reliable force in the community. Following the slogan, "Peo-

ple Helping People," the foundation has remained dedicated to serving the people of the community through various outreach programs, including Head Start and Meals on Wheels. And this year's honorees truly embody the goals of this organization.

Serving as Assistant Municipal Engineer from 1981 through 1987, Mr. Sambade has worked diligently for the City of Bayonne throughout his career. From funding procurement to construction supervision of various public buildings, drainage systems, and vital water distribution systems, Mr. Sambade's contributions can be seen throughout the city.

Mr. Sambade, a registered architect, licensed engineer, and professional planner in the State of New Jersey, founded the DAL Design Group in 1987. As the organization's President, he supervised millions of dollars worth of diversified housing and commercial and industrial development projects in the State.

A graduate of the Roberson School in Bayonne, Mr. Sambade is also very active in charitable organizations, such as the Boy Scouts, Windmill Alliance, and the Hudson County ARC.

Mr. Cuseglio has been both an active and visible force in the Bayonne community for more than three decades. From 1979 through 1983, Mr. Cuseglio served as City of Bayonne Building Inspector. By 1983, because of his expertise and unmatched commitment to the City, Mr. Cuseglio was serving as City Construction Official, Building Sub Code Official, Zoning Officer, and Relocation Officer.

After retiring from the City in 1992, Mr. Cuseglio continued his commitment to his life work by accepting a part-time position with the City of Keansburg as a Field Inspector to Code and Specification for its revitalization programs. And just four years later, in 1996 returned to Bayonne as "Clerk of the Works." In this capacity, Mr. Cuseglio was responsible for inspecting all construction sites.

Mr. Cuseglio remains active in community and charitable organizations. Presently, he serves on the Board of Trustees of the Bayonne Economic Opportunity Foundation.

These two men exemplify leadership and dedication to the City of Bayonne and to the Bayonne Economic Opportunity Foundation. For these tremendous contributions to New Jersey and their incredible example as public servants, I am very happy to congratulate Mr. Sambade and Mr. Cuseglio for their achievements. I salute and congratulate both of them on their extraordinary accomplishments.

#### TRIBUTE TO JOHN MORAMARCO

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 4, 1999*

Mr. CALVERT. Mr. Speaker, I take the floor today to recognize the outstanding career of John Moramarco, who is retiring as Senior Vice President and General Manager at Callaway Vineyard and Winery in Temecula, California—after 30 years with the winery.

John comes from a long history of vintners. In fact, he started his career at the family's